

TOWN OF DAVIE

TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark Kutney, AICP, Development Services Director
Prepared by: Larry A. Peters, P.E., Town Engineer (954) 797-1113

SUBJECT: Resolution

AFFECTED DISTRICT: District 4

TITLE OF AGENDA ITEM:

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, GRANTING A 15' UTILITY EASEMENT FROM TOWN OF DAVIE, PROPERTY OWNER TO CITY OF SUNRISE; AND PROVIDING AN EFFECTIVE DATE.

REPORT IN BRIEF:

The Town Engineering Staff has determined that it is necessary for the benefit of the residents of the Town that certain utility improvements be maintained by City of Sunrise in order to maintain the water distribution system for Charleston Oaks, a 15' utility easement needs to be granted to the City of Sunrise for the installation of an 8" water main along Parcel "G" of the Riverstone Plat. A copy of the utility easement is attached to the accompanying Resolution and Town Council approval is necessary for the Town of Davie to grant the needed utility easement and to authorize the recordation of same in the Public Records of Broward County, Florida

PREVIOUS ACTIONS: None

CONCURRENCES:

FISCAL IMPACT: Not Applicable

RECOMMENDATION(S):

The Town Engineering Division recommends that the Town Council approve the attached Resolution and authorize acceptance of the granted utility easement and authorize recording of same in the Public Records of Broward County, Florida

Attachment(s): Resolution, utility easement, and sketch of survey

RESOLUTION R-2006

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, GRANTING A 15' UTILITY EASEMENT FROM TOWN OF DAVIE, PROPERTY OWNER TO CITY OF SUNRISE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Davie recognizes the need to grant certain utility easement located within the Town Limits; and

WHEREAS, it has been determined that such utility easement granting will be a benefit to the Town and its residents; and

WHEREAS, the Town needs to grant a 15' utility easement to the City of Sunrise for the installation of an 8" water main along Parcel "G" of Riverstone for utility improvements; and

WHEREAS, Town of Davie is the owner of the real property, more specifically described within Exhibit "A" attached hereto; and

WHEREAS, the Town grants the necessary utility easement, copy of which is attached hereto, that will enable the City of Sunrise to perform future utility improvement and maintenance.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. The Town Council of the Town of Davie, Florida does hereby authorize the Town to grant the attached utility easement to the City of Sunrise and to record same in the Public Records of Broward County, Florida.

SECTION 2. This Resolution shall take effect immediately upon its passage and adoption..

PASSED AND ADOPTED THIS _____ DAY OF _____, 2006.

TOWN CLERK

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2006

PREPARED BY:

Kimberly Register, City Attorney
City of Sunrise
10770 West Oakland Park Boulevard
Sunrise, Florida 33351

UTILITY EASEMENT

THIS UTILITY EASEMENT is made and executed this ____ day of February, 2006, by TOWN OF DAVIE, a municipality organized under the laws of Florida, whose mailing address is 6591 Orange Drive, Davie, Florida 33314 (hereinafter referred to as the "Grantor") to the City of Sunrise, a Florida Municipal Corporation, whose mailing address is 10770 West Oakland Park Blvd., Sunrise, Florida 33351 (hereinafter referred to as the "Grantee").

(Wherever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations, partnerships (including joint ventures), public bodies and quasi-public bodies).

WITNESSETH:

WHEREAS, Grantor is lawfully seized in fee simple and is in possession of that certain property situated in Broward County, Florida, as more particularly described on Exhibit "A", which is attached to and by this reference made a part of this document (hereinafter referred to as the "Easement Land").

NOW, THEREFORE, in consideration of the sum of Ten and 00/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Grantor hereby states as follows:

1. Grantor does hereby grant unto the Grantee, a perpetual utility easement in, on, over, under, through, and across the Easement Land, with the full and free right of ingress and egress for the purposes of the construction, installation, reconstruction, rebuilding, replacement, repairing, operation, distribution, and maintenance of lift stations, force mains, water lines, gravity sewers, storm drainage systems, natural gas lines, LP gas lines and tanks, messages or communications, and all appurtenances relative to these facilities or systems.

2. Grantee shall have the right and privilege from time to time to alter, improve, enlarge, add to, change the nature or physical characteristics or replace, remove or relocate such facilities or systems in, upon, over, under, through, and across the Easement Land along with all rights and privileges necessary or convenient for the full benefit and the use thereof for purposes described in this instrument, including, but not limited to, the right to clear obstructions within the Easement area that might interfere

with the purposes for which such facilities or systems which is or might be constructed, along with the right of ingress and egress for personnel and equipment of Grantee, its contractors, agents, successors or assigns, over the adjoining lands of the Grantor, its successors and assigns, including successors in title, for the purpose of maintaining the above facilities and systems which are located in the Easement area.

3. The Easement granted shall be binding upon the Grantor and its successors and assigns. This Easement shall not be released or amended in any manner without the written consent of all entities having facilities or systems located within the Easement Land, and which consent must be evidenced by an instrument executed with the same formalities as this document. The provision of Chapter 15 of the City Code of Grantee, as amended from time to time, are incorporated in this Easement.

4. Grantor warrants that Grantor has good and indefeasible fee simple title to and possession of the Easement Land and that it has good and lawful right to grant this Easement, and that the Grantee, its successors and assigns shall have all of the rights to the Easement Land as stated herein.

5. All provisions of this Easement, including the benefits and burdens, run with the land and are binding upon and inure to the heirs, assigns, successors, tenants and personal representatives of the parties hereto.

6. Grantor warrants that to the best of Grantor's knowledge and belief, the Easement Land is free and clear of soil and ground water contamination. For and in consideration of Ten and 00/100 Dollars (\$10.00) receipt of which is acknowledged, Grantor shall indemnify and hold Grantee harmless for all claims and damages resulting from any such contamination.

(The remainder of this page has been intentionally left blank).

ACKNOWLEDGMENT

IN WITNESS WHEREOF, the Grantor has caused this Utility Easement to be executed in Grantor's name, and official seal by the proper officer(s) or representative(s) duly authorized, as of the day and year first above written.

WITNESSES:

GRANTOR:
TOWN OF DAVIE

Print Name: _____

By: _____
Tom Truex, Mayor

Print Name: _____

State of Florida

County of Broward

On February_____, 2006, Tom Truex, Mayor of the Town of Davie (Grantor) who is authorized to execute the foregoing on behalf of the Grantor, personally appeared before me and executed this instrument and is:

_____ is personally known to me or
_____ produced _____ as identification

And

_____ did take an oath or
_____ did not take an oath

Notary Public
Print Name: _____

My Commission Expires:

**CARNAHAN · PROCTOR · CROSS, INC**

CERTIFICATE OF AUTHORIZATION NO. LB 2936
6101 WEST ATLANTIC BLVD., MARGATE, FL 33063
PHONE (954)972-3959 FAX (954)972-4178 WEBSITE: www.carnahan-proctor.com

EXHIBIT "A"**DESCRIPTION AND SKETCH****15' UTILITY EASEMENT
IN PARCEL "G",
"RIVERSTONE"****LEGAL DESCRIPTION:**

A PORTION OF PARCEL "G", "RIVERSTONE", ACCORDING TO THE PLAT THEREOF AS RE
PLAT BOOK 172, PAGES 111-128 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLO
MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID PARCEL "G"; THENCE SOUTH 00°04'35" E
THE EAST LINE OF SAID PARCEL "G", A DISTANCE OF 410.37 FEET; THENCE SOUTH 89°
ALONG THE NORTH LINE OF A 15-FOOT WIDE UTILITY EASEMENT AS SHOWN ON S/
DISTANCE OF 15.00 FEET; THENCE NORTH 00°04'35" WEST, ALONG A LINE 15 FEET WEST O
LINE OF PARCEL "G", A DISTANCE OF 410.38 FEET; THENCE NORTH 89°58'08" EAST, ALONG
LINE OF SAID PARCEL "G", A DISTANCE OF 15.00 FEET TO THE **POINT OF BEGINNING**.

SAID LANDS SITUATE IN THE TOWN OF DAVIE, BROWARD COUNTY, FLORIDA, AND CC
SQUARE FEET, MORE OR LESS.

NOTES

1. THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLO
SURVEYOR AND MAPPER.
2. THIS SKETCH IS THE PROPERTY OF CARNAHAN-PROCTOR-CROSS, INC., AND SHALL NOT BE USED OR RE
WHOLE OR IN PART WITHOUT WRITTEN AUTHORIZATION.
3. THE LANDS SHOWN HEREON ARE SUBJECT TO ALL EASEMENTS, RESERVATIONS, RIGHTS-OF-WAY, AND RE
RECORD.
4. ALL EASEMENTS SHOWN HEREON ARE PER THE RECORD PLAT UNLESS OTHERWISE NOTED.
5. THIS SKETCH WAS PREPARED WITHOUT BENEFIT OF A TITLE SEARCH. FOR INFORMATION CONCERNING RI
EASEMENTS, RESERVATIONS, AND OTHER SIMILAR MATTERS OF PUBLIC RECORD, AN APPROPRIATE TITLE
NEED BE OBTAINED.
6. THIS IS NOT A SURVEY.

ABBREVIATIONS

B.C.R. = BROWARD COUNTY RECORDS
D.E. = DRAINAGE EASEMENT
P.B. = PLAT BOOK
PG. = PAGE (S)
P.O.B. = POINT OF BEGINNING
P.O.C. = POINT OF COMMENCEMENT
U.E. = UTILITY EASEMENT

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THE DESCRIPTION AND SKETCH SHOWN HEREON COMPLIES WITH MINIMUM
TECHNICAL STANDARDS FOR SURVEYS AS CONTAINED IN CHAPTER 61G17-6, FLORIDA
ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES, AND THAT SAID
DESCRIPTION AND SKETCH IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Donna C. West
DONNA C. WEST
SURVEYOR AND MAPPER
FLORIDA LICENSE NO. LS4290

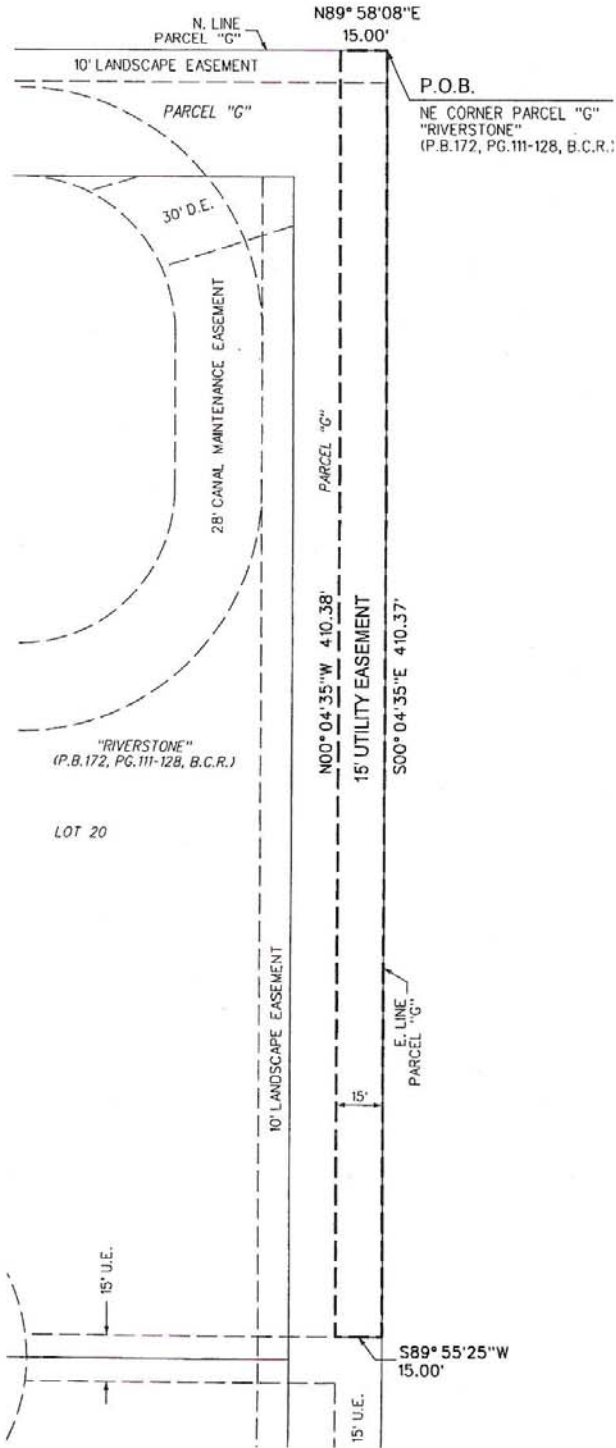
DATE OF LAST FIELD WORK: NOT A SURVEY

RIVERSTONE

JOB NO.: 010213

DATE: 2-06-06

SHEET



REVISIONS		DATE	BY	CK'D
JOB NO.	010213	DWG BY:	DCW	SCALE: 1" = 40'
RIVERSTONE		CK'D By:	DD	DATE: 2-06-06
				UTILITY
				SHEET 2

FILE: r:\010213\codd\yb13skel.dgn

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